

MHTH010064302024



**Criminal Bail Application No.2259/2024**

**Chintan Dinesh Shah Vs.  
State of Maharashtra Through Bhayandar Police Station**

**ORDER BELOW EXH.1**

1] Applicant **Chintan Dinesh Shah**, who is accused in C.R. No.313/2024, Bhayandar P.S., under Sections 115 (2), 118 (2), 189(1) (2), 190, 191(2) of **Bharatiya Nyaya Sanhita, 2023** has filed this instant application for anticipatory bail. It is contended that the applicant is falsely implicated in the instant case and there is no prima facie case appearing against him and he is falsely implicated in the offence and there is no likelihood of absconding, tampering of prosecution witnesses and there is no need of custodial interrogation. It is also contended that his name is not in the F.I.R. Hence, applicant has prayed for grant of bail in Criminal Bail Application No.2259/2024.

2] The prosecution vide their say at Exh. 6 strongly resisted the application on the ground that if the applicant is released on anticipatory bail then the investigation will be hampered and there is possibility of tampering of prosecution witnesses and custodial interrogation is required for due investigation and there is strong prima facie case against him. Hence, the prosecution has prayed for rejection of Criminal Bail Application No. 2259/2024.

3] The prosecution case in short is that on 04.10.2024 at about 23.50 hours the complainant found that some persons are beating his father by unidentified other accused Milan, Sagar, Heth and some unidentified persons beating him and while he intervened Sagar beat him by plastic chair on head while his father fell on ground and received injuries. Whereas the complainant received two stitches on head. Hence, police complaint was filed and during the investigation other accused Milan, Sagar, Heth, were arrested and further investigation is going on.

4] From the above discussion, following points arise for my determination to which I answered with the reasons mentioned below.

|    | POINTS                                                                           |    | FINDINGS            |
|----|----------------------------------------------------------------------------------|----|---------------------|
| 1. | Whether applicant <b>Chintan Dinesh Shah</b> is entitled for anticipatory bail ? | .. | In the affirmative  |
| 2. | What order ?                                                                     | .. | As per final order. |

: **REASONS** :

**As to Point No. 1 :-**

5] I have minutely scrutinized the bail application No.2259/2024, Say of prosecution at Exh.6 documents filed on record which consists of FIR in C.R. No. 313/2024. I have heard the Ld. Advocate for the applicant, Ld. APP., at length during the course of argument.

6] After careful perusal of the complaint, F.I.R. and the documents filed, it appears that the name of the applicant is not mentioned in the F.I.R. Serious allegations of beating complainant by plastic chair on head is attributed to other accused Sagar who alongwith other accused

Milan, Heth, were arrested and plastic chair was seized during investigation. No specific allegations are attributed to the applicant in the F.I.R. Even though the I.O. vide Say Exh.6 had stated that CCTV footage indicates applicant beating complainant, his father by chair, such version is falsified by F.I.R. At the most as per F.I.R. the allegations against the applicant can be about beating the complainant, his father by fists, kicks. No allegations of weapons are made against the applicant. Therefore no recovery is required to be done from the applicant. Therefore, custodial interrogation of the applicant does not appear to be necessary for further investigation of the case. It is pertinent to note that the other accused Milan, Sagar, Heth are already released on bail. In such circumstances, the applicant deserves to be granted anticipatory bail.

7] In the above circumstances, it appears that there is substantial grounds for grant anticipatory bail to the applicant. Therefore, I answer point No. 1 arise for my determination in the affirmative. Hence, I accordingly, pass the following order :-

### **ORDER**

1. Criminal Bail Application No. 2259/2024 stands allowed.
2. Applicant **Chintan Dinesh Shah**, in the event of arrest in C.R. No. 313/2024, Bhayandar Police Station be released on bail on furnishing P.B. & S.B. of Rs.50,000/- ( Rupees Fifty Thousand only ), with one or more sureties in the like amount.
3. Applicant **Chintan Dinesh Shah**, shall co-operate with the investigating agency and appear before the Investigating Officer on every Saturday from 10.00 a.m. to 01.00 p.m. till charge-sheet is filed.
4. Applicant **Chintan Dinesh Shah**, shall not either himself or through any other person contact the complainant/ other

prosecution witness and / or shall not give threats or inducement to the complainant/ other prosecution witnesses.

5. Applicant **Chintan Dinesh Shah**, shall not leave the country without prior permission of the Court.
6. Inform to the concerned police station accordingly.
7. Criminal Bail Application No. 2259/2024 stands disposed off accordingly. Case papers be filed.

Thane.

Dt :- 17.01.2025

( A.S. Bhagwat )

Additional Sessions Judge, Thane.